

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 12 – SB 48

March 1, 2013

SUMMARY OF ORIGINAL BILL: Adds five new kinds of synthetic cannabinoids (cyclopropanoylindoles, adamantoylindoles, adamantoylindolecarboxamides, adamantylindazolecarboxamides, and naphthoynaphthalene) to the current list in Tenn. Code Ann. § 39-17-438(a)(1), the production, manufacture, distribution, and possession of which is prohibited.

Redefines “controlled substance analogue” in Tenn. Code Ann. § 39-17-454(a) and (f) to specifically define “analogue” to mean the structure of the tested item differs in no more than two atoms, one functional group, or one double bond, from the structure of a controlled substance.

Deletes “2 (methylamino) propiophenone; or alpha (methylamino) propiophenone” as a recognized methcathinone analogue and adds mitragynine and hydroxymitragynine; desoxypipradol; URB 754; and URB 602 to the list of recognized methcathinone analogues. Allows for prosecution of violations of the Tennessee Hazardous Substances Act, codified in Title 68, Chapter 131, Part 1, and for prosecution of violations concerning controlled substance analogues, codified in Tenn. Code Ann. § 39-17-454. Prohibits a defense for a DUI violation that the offender was lawfully using “controlled substance analogue.”

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (003819): Exempts drugs or substances approved for study by the federal Food and Drug Administration from the prohibition of producing, manufacturing, distributing, possessing, or possessing with the intent to produce synthetic cannabinoids.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

HB 12 – SB 48

Assumptions for the bill as amended:

- The current list of synthetic cannabinoids codified in Tenn. Code Ann. § 39-17-438 was enacted in 2011 (Public Chapter 274, § 1), but a violation of § 39-17-438 was not a felony until 2012 (Public Chapter 848, § 21). The fiscal note for Public Chapter 848 of 2012 assumed one additional Class D felony offender, two additional Class C felony offenders, and one additional Class B felony offender every other year.
- According to the Department of Correction (DOC), there have been no admissions under Tenn. Code Ann. § 39-17-438 or 39-17-452.
- It is assumed that the five new synthetic cannabinoids will not result in any increase of admissions above those estimated in the fiscal note for Public Chapter 848 of 2012.
- It is estimated that any admissions resulting from this bill can be accommodated from such recurring appropriations to DOC. Therefore, any admissions will not have a significant fiscal impact and can be accommodated within the existing resources of the Department without an increased appropriation or reduced reversion.
- Any impact to the District Attorneys General Conference and District Public Defenders Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/trm